



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/782-0610

November 14, 2014

Mr. Richard Sutton
Exemption 6 and Exemption 7(C)

RECEIVED

NOV 19 2014

Re: Sutton Farms
NPDES No. ILA010109
Notice of Incompleteness

NPDES PROGRAMS BRANCH
EPA, REGION 5

Gentlemen:

The Agency has received your application of May 15, 2014 and issued a Notice of Incompleteness (NOI) letter of June 12, 2014. The Agency has not received a response to the NOI issued on June 12, 2014. Please note that the Illinois Pollution Control Board adopted regulations regarding concentrated animal feeding operations in August 2014. The nutrient management plan must meet the provisions in the new regulation and as identified in this letter. The application has been reviewed and deemed incomplete for the purpose of review towards issuance of an NPDES permit. The following specific information and documentation are required to be submitted within the designated time frame below in order to continue the review.

1. It is noted that the numbers of animals listed in Form 2B are zero. Please specify when the facility will be populated with livestock, as well as the amount and type of the livestock.
2. Should the facility be populated with livestock in the future, please provide a comprehensive Nutrient Management Plan (NMP) based on the amount and type of the livestock as required by Section 502.505 and 502.510 of Title 35 Ill. Adm. Code (35 IAC 502.505 and 502.510). The NMP must meet the provisions of 35 IAC 502.605 through 502.645. The proposed NMP, which will be incorporated into the permit as a condition, shall include the following information:
 - i. Site specific practices that provide adequate erosion and runoff control to prevent the discharge of livestock waste to waters of the State.
 - ii. Practices that provide adequate storage to avoid application of livestock waste to frozen, ice covered or snow covered land as required by 35 IAC 502.630(a)(1).
 - iii. Practices to inspect, monitor, manage and repair subsurface drainage systems at livestock waste application site.
 - iv. Protocols to land apply livestock waste in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the livestock waste.
 - v. The design and construction plans, and operational and maintenance practice plans that provide for adequate storage capacity for livestock waste for periods when livestock waste cannot be land applied or applied at a reduced agronomic rate. Please refer to 35 IAC 502.620 and 502.630 for specific requirements.

- vi. Test methods and sampling protocols for analysis of soil and livestock waste.
 - vii. Practices for mortality management.
 - viii. Practices for proper handling, storage and disposal of chemical wastes and other non-livestock wastes.
 - ix. Practices to prevent direct contact of livestock in the facility with waters of the State.
 - x. Practices to minimize entry of stormwater uncontaminated with livestock waste into the livestock management or waste handling facility.
 - xi. Records to be kept that document the implementation of the NMP in accordance with 35 IAC 502.510(b)(16) and 502.320.
3. Please provide topographic maps or scaled aerial photos indicating the location of the production area and land application areas as required by 35 IAC 502.201. Please also include on the maps information on setbacks for residence, surface waters, potable wells, drainage or injection wells, subsurface drainage intake, sinkholes, waterways or other conduits to surface waters, as well as the 10-year floodplain (35 IAC 502.505(g)).
 4. Please provide in the NMP information on the land application of livestock waste at fields owned, rented, leased by or under the control of the livestock facility including the 1,610 acres indicated in Form 2B, Item 2B(2).
 5. Please address site-specific rates of application using either linear or narrative approaches as described in 35 IAC 502.515(d) or (e). Please include Bray P1 or Mehlich test results for soil phosphorus and agronomic rate calculations for nitrogen and phosphorus regarding the land application of livestock waste. Please provide cropping schedule for each field for the past year, anticipated crops for the current year, and anticipated crops for the five year term of the permit, along with realistic crop yield goal for each crop in each field. The information regarding livestock waste land application rates and calculations must meet the provisions in 35 IAC 502.505 and 502.615 through 502.625, and be provided in the NMP.
 6. Please provide a Spill Control and Prevention Plan which include, but is not limited to: containment methods, cleanup procedures, and disposal of any livestock waste spilled outside of the production area of the facility as required by 35 IAC 502.201(a)(13) and 502.510(b)(14).
 7. Please provide verification that stormwater not contaminated by livestock waste is diverted from the livestock handling facility pursuant to 35 IAC 502.510(b)(5). Also, demonstrate that there is no overflow discharge of livestock waste from production area to waters of the State unless the production area is designed, constructed, operated and maintained to contain all livestock waste, including the runoff and the direct precipitation from a 25 year, 24 hour precipitation event, as required by 35 IAC 502.605(a).
 8. A Stormwater Management Plan shall be provided pursuant to 35 IAC 502.201(a)(12), which will minimize the discharge of pollutants in stormwater runoff from immediate access roads, sites used for handling material other than livestock waste, refuse sites, sites used for storage and


maintenance of material handling equipment, and shipping and receiving areas, as well as divert clean water from the production area. The plan should also include good housekeeping and preventive maintenance activities and monthly visual inspections.

9. Please state the status of any application for construction with the Illinois Department of Agriculture.
10. Please provide specific odor control practices during waste removal and field application so as to not affect neighboring residences as described by 35 IAC 501.405.
11. Please indicate the individual responsible for preparing the application and NMP and document if the NMP was prepared by a certified nutrient management planner and from whom the certification was issued as described by 35 IAC 502.505(d).
12. Please indicate in the NMP that depth markers will be installed and monitored as required 35 IAC 502.610(d).
13. Please submit electronic copies of the entire application and submission for the purpose of a possible public notice.

Please provide a written response to the above items within 30 days of the date of this letter. Failure to submit a response that includes the requested information within the time period specified may cause the Permit Section to refer the facility to the compliance and enforcement programs, and could be cause for denial of your NPDES Permit. Include on all correspondence the above proposed NPDES permit number.

Upon receiving a written response including the requested information the Agency will continue review of the application. Should you have any questions or comments regarding the above, please contact Wei Han at (217) 782-0610 or at the above address.

Sincerely,



Wei Han
Environmental Protection Engineer
Permit Section
Division of Water Pollution Control

WH: P:CAFO\SuttonFarm_NOI.docx

cc: DWPC/Marion Regional Office
Records
USEPA Region 5/Julianne Socha